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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/420,092 | 10/18/1999 | YING LUO | A-68287/DJB/ | 2328 |

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EXAMINER

FLOOD, MICHELE C

ART UNIT PAPER NUMBER

1651

DATE MAILED: 05/21/2002

17

Please find below and/or attached an Office communication concerning this application or proceeding.



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| 09/420,092 | | Luo et al. | |

| EXAMINER | |
|------------------|--------------|
| Michele C. Flood | |
| ART UNIT | PAPER NUMBER |
| 1651 | |

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The amendment of Paper No. 16, filed September 18, 2001, remains non-responsive for the reasons set forth in the previous Office action and set forth below (applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, to respond).

The amendment filed on June 5, 2001 canceling Claim 1 drawn to the elected invention and presenting only claims drawn to a non-elected invention was non-responsive (MPEP § 821.03). The submitted claims did not read on the elected invention because the claims were directed to five different methods none of which necessarily required the same ingredients or same process steps of the originally elected invention of Claim 1.

The amendment filed on September 18, 2001 canceling Claim 1 and presenting Claims 10-15 is non-responsive because the numbering of the newly submitted claims as a replacement for the submitted claims presented in the amendment filed June 5, 2001 is improper. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 10-15 been renumbered 15-20. As Claims 10-20 are pending in this application, this application contains claims drawn to an non-elected invention.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

CHRISTOPHER R. TATE
PRIMARY EXAMINER